IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Transfer Application No. 25 of 2003
LODGING NO. 370/2003

Smt. Sameena W/o Rigawan Parwaz
D/o Sageer Ullah
R/o Post Office Khatima
Udham Singh Nagar …Applicant

Versus

1. State of Uttaranchal
2. Rijwan Parawaz S/o Munwar
   R/o Line No. 19
   Near Post Off. Lal Badashah
   Nai Basti Haldwani
   District Nainital …Opposite Parties

Hon'ble M.M. Ghildiyal J.

Heard Sri S.C. Bhatt learned counsel for the applicant and learned counsel for the respondent no. 2.

This is an application by the applicant for transfer of case no. 615 of 2001 under section 498A, 323 and 504 I.P.C. and 3/4 Dowry Prohibition Act pending before the court of Judicial Magistrate Haldwani, Nainital to the competent court of Judicial Magistrate Khatima, Udham Singh Nagar. It is not disputed by the parties that there are there cases pending before the parties in different courts. A case under section 125 Cr.P.C. lodged by the applicant is pending before the Family Court, Nainital. Another case filed by respondent no. 2 for restitution of conjugal rights is also pending before the Family Court, Nainital. The only ground for transfer of the third case, which is under section 498A, 323 and 504 I.P.C. and 3/4 Dowry Prohibition Act, is that the applicant is residing at Khatima. She has three children. There is a long distance of about 120 Km between Khatima and Haldwani and she has received threats from the opposite party.

The allegations are general in nature. No specific allegations have been made. Only on the ground that the distance from her residence to the court is 120 Km is not sufficient as already stated two more cases are pending before the court at Nainital.

There is no sufficient ground for transfer of this case from Haldwani to Khatima. The application is rejected.

17.12.2003 (M.M. Ghildiyal, J.)
ASWAL